

MEMORANDUM

Agenda Item No. 11(A)(25)

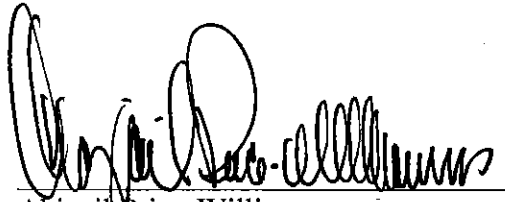
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 3, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact Senate Bill 242, House Bill 81, or similar legislation that would create a multi-year pilot program in Miami-Dade County to provide a needle and syringe exchange program, or alternatively, to authorize local governments to establish a needle and syringe exchange program by providing that any possession, distribution or exchange of needles or syringes in connection with a local needle exchange program would not be a criminal violation under Florida law

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 3, 2015

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County Attorney

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(25)
11-3-15

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 242, HOUSE BILL 81, OR SIMILAR LEGISLATION THAT WOULD CREATE A MULTI-YEAR PILOT PROGRAM IN MIAMI-DADE COUNTY TO PROVIDE A NEEDLE AND SYRINGE EXCHANGE PROGRAM, OR ALTERNATIVELY, TO AUTHORIZE LOCAL GOVERNMENTS TO ESTABLISH A NEEDLE AND SYRINGE EXCHANGE PROGRAM BY PROVIDING THAT ANY POSSESSION, DISTRIBUTION OR EXCHANGE OF NEEDLES OR SYRINGES IN CONNECTION WITH A LOCAL NEEDLE EXCHANGE PROGRAM WOULD NOT BE A CRIMINAL VIOLATION UNDER FLORIDA LAW

WHEREAS, injection drug use is a well-documented route of transmission of blood-borne infections, including HIV/AIDS and other diseases, such as Hepatitis B and C; and

WHEREAS, as of 2012, nearly 26,000 residents of Miami-Dade County have been diagnosed with HIV/AIDS; and

WHEREAS, in 2014, Miami-Dade County ranked first in the nation in new HIV infections, according to the Centers for Disease Control (CDC); and

WHEREAS, in 2012, more than one in four deaths among people with HIV/AIDS nationwide were attributed to injection drug use, according to the CDC; and

WHEREAS, a substantial portion of the HIV/AIDS infections in children result from injection drugs used by a parent; and

WHEREAS, a significant number of HIV/AIDS cases among women are due to injection drug use or sexual contact with someone infected with HIV/AIDS through injection drug use; and

WHEREAS, a recent study conducted by University of Miami and Jackson Memorial Hospital physicians noted that estimates of HIV/AIDS prevalence among injection drug users in Miami-Dade County range from 14 percent to 23 percent; and

WHEREAS, the same study tracked drug users who were admitted to Jackson Memorial Hospital during a 12-month period and determined that the cost to treat drug-related infections was more than \$11.4 million; and

WHEREAS, many jurisdictions have established needle and syringe exchange programs that offer free exchange of clean, unused needles and syringes for used needles and syringes as a means to prevent the transmission of HIV/AIDS, hepatitis and other blood-borne diseases among intravenous drug users, and their sexual partners and offspring; and

WHEREAS, scientific literature has concluded that needle and syringe exchange programs are an effective way to reduce the spread of HIV/AIDS and other infections among drug users as well as their sexual partners and offspring; and

WHEREAS, a 2012 study that compared needle disposal practices of drug users in San Francisco, which has a legal needle exchange program, and Miami found that Miami had 8 times more used syringes that were improperly discarded; and

WHEREAS, according to an earlier study, injection drug users who feared prosecution for possession of drug paraphernalia were approximately 1.74 times more likely to share syringes and approximately 2 times as likely to share other injection equipment than other drug users; and

WHEREAS, national trends evidence growing government support for needle exchange programs; and

WHEREAS, to date, at least 26 states have needle exchange programs; and

WHEREAS, existing needle exchange programs also often provide a range of ancillary public health services, including referral to substance abuse treatment, as well as disease prevention, screening and counseling; and

WHEREAS, local governments are currently prohibited from establishing local needle exchange programs because possession, distribution, or exchange of needles or syringes could be a criminal offense under chapter 893, Florida Statutes; and

WHEREAS, Senator Oscar Braynon (D – Miami Gardens) has filed Senate Bill (SB) 242 and Representative Katie Edwards (D – Sunrise) has filed House Bill (HB) 81 for the 2016 session that would authorize the University of Miami to create a multi-year pilot program in Miami-Dade County to offer free exchange of clean, unused needles and syringes for used needles and syringes as a means of preventing the transmission of HIV/AIDS, hepatitis and other blood-borne diseases among intravenous drug users, as well as their sexual partners and offspring; and

WHEREAS, SB 242 and HB 81 also would provide that any possession, distribution or exchange of needles or syringes in connection with such a needle exchange program would not be a criminal violation of any part of chapter 893, Florida Statutes, or any other law; and

WHEREAS, this Board would like to urge the Florida Legislature to pass SB 242, HB 81 or similar legislation; or alternatively, to enact legislation that would authorize any local government to establish a needle and syringe exchange pilot program by providing that any possession, distribution or exchange of needles or syringes in connection with a local needle exchange program would not be a criminal violation of any part of chapter 893, Florida Statutes, or any other law,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact SB 242, HB 81, or similar legislation to authorize the establishment of a needle and syringe exchange pilot program in Miami-Dade County that would offer free exchange of clean, unused needles and syringes for used needles and syringes as a means of preventing the transmission of HIV/AIDS, hepatitis and other blood-borne diseases among intravenous drug users, as well as their sexual partners and offspring.

Section 2. Urges the Florida Legislature, alternatively, to enact legislation that would authorize any local government to establish a needle and syringe exchange pilot program by providing that any possession, distribution or exchange of needles or syringes in connection with a local needle exchange program would not be a criminal violation of any part of chapter 893, Florida Statutes or any other law.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the President of the Florida Senate, the Speaker of the Florida House of Representatives, Senator Oscar Braynon, Representative Katie Edwards and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 4. Directs the County's lobbyists to advocate for the issues identified in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 state legislative package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of November, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Christopher C. Kokoruda

